

United States District Court
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

Case Number:

V.

LEWIS PATE

12-mj-159-ASB

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 20, 2012, in Ramsey County, in the State and District of Minnesota, the defendant Lewis Pate, having previously been convicted of crimes punishable by imprisonment for a term exceeding one year; namely, auto theft (2007); fleeing a police officer in a motor vehicle (2007); auto theft and fleeing a police officer in a motor vehicle (2008); third degree burglary (2008); and aggravated robbery (2010), knowingly possessed, in and affecting interstate commerce, an Enfield model No. 2 Mark 1, .38 caliber revolver, in violation of Title 18, United States Code, Section(s) 922(g)(1) and 924(e).

I further state that I am a(n) ATF Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

Date

April 4, 2012
The Honorable Arthur J. Boylan
UNITED STATES MAGISTRATE JUDGE

Name & Title of Judicial Officer

Signature of Complainant

Kylie Williamson
ATF

at

Minneapolis, MN

City and State

Signature of Judicial Officer

SCANNED

APR 5 2012

U.S. DISTRICT COURT MPLS

STATE OF MINNESOTA)
) ss. AFFIDAVIT OF KYLIE WILLIAMSON
COUNTY OF HENNEPIN)

Kylie Williamson, being first duly sworn, states as follows:

1. I am a special agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives. I have been so employed since 2007. I participated in the investigation of this case. This affidavit is based on personal knowledge as well as on information provided to me by other investigating officers and agents.

2. On March 20, 2012 at approximately 2:30 p.m., St. Paul police officers were dispatched to the area of 988 Reaney in St. Paul, Minnesota on a report of several shots being fired. I responded to the area along with my partner Sergeant Don Benner.

3. Responding police officers talked to a witness who stated he had seen three black males exchanging gun fire while he was in the alley behind his house. He told officers that one of the shooters turned south and ran between two houses.

4. A K-9 was brought to the alley where the witness had last seen the suspect who ran south between the houses. The K-9 tracked the scent of the suspect to 975 Margaret, which is two to three blocks away. Another witness reported that a black male matching the suspect description had just run into the house at 975 Margaret.

5. Police entered the house, announced their presence, and yelled for all occupants to come out. A black male, later identified as Lewis Pate, came down from an upper floor. As he

walked down the stairs, he stated that he was the one who was being shot at.

6. Pate was taken into custody. The witness from the alley was brought to 975 Margaret and identified Pate as one of the people he had seen shooting in the alley.

7. Officers then secured the house and obtained a state search warrant. During the execution of the search warrant, officers found an Enfield, Model No. 2 Mark 1, .38 caliber 6-shot revolver containing four live rounds and two empty chambers in the cylinder. The gun was found wrapped in a towel in the clothes hamper in the bathroom on the main level. This gun was manufactured in England.

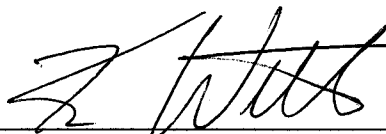
8. Following his arrest, Pate was booked into the Ramsey County Law Enforcement Center. That evening, he made several telephone calls to his associates, which were recorded by the jail pursuant to standard policy. Speaking in coded language, and apparently not realizing that the police already had searched 975 Margaret, Pate told several people that he had put his "money" in the bathroom on Margaret and needed someone to go back there that night and retrieve it. He said that the "money" would be in the clothes in the bathroom. In one call, a female asked Pate how much money was in the bathroom and Pate responded that she was not understanding him adding, "what am I being charged with?" He then

concluded the conversation telling her that they were talking too much on the phone.

9. In an interview with your Affiant and Sergeant Benner on March 21, 2012, the day after his arrest, Pate admitted that he was the person being shot at the day before, but denied shooting back and denied having a gun on him at the time. When asked specifically about the gun recovered from 975 Margaret he admitted that he recently had bought it from someone for \$100.

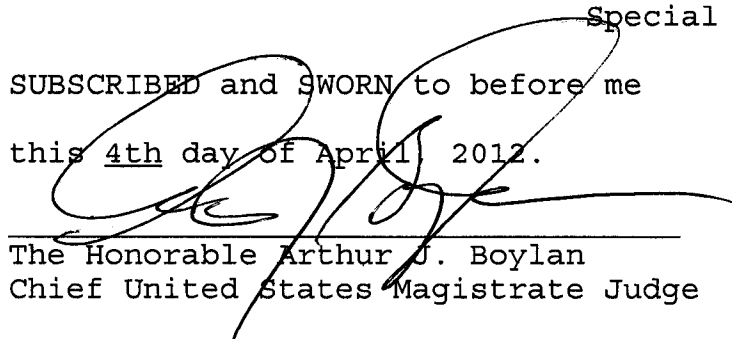
10. I have researched Lewis Pate's criminal history. His record includes the following prior felony convictions: auto theft (2007); fleeing a police officer in a motor vehicle (2007); auto theft and fleeing a police officer in a motor vehicle (2008); third degree burglary (2008); and aggravated robbery (2010). As a felon, he is prohibited from possessing a firearm.

Further your Affiant sayeth not.



KYLIE WILLIAMSON
Special Agent

SUBSCRIBED and SWORN to before me
this 4th day of April, 2012.



The Honorable Arthur J. Boylan
Chief United States Magistrate Judge